

By: Senator(s) Jackson (15th)

To: Judiciary, Division B

SENATE BILL NO. 2524

1 AN ACT TO CREATE THE MISSISSIPPI PRIVATE INVESTIGATORS  
2 LICENSING AND REGULATORY ACT"; TO MAKE IT UNLAWFUL FOR ANY PERSON  
3 TO ACT AS AN INVESTIGATIONS COMPANY OR PRIVATE INVESTIGATOR  
4 WITHOUT FIRST HAVING OBTAINED A LICENSE FROM THE COMMISSION; TO  
5 PROVIDE THE QUALIFICATIONS FOR SUCH LICENSE; AND FOR RELATED  
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1. Short title.** This act shall be known and may be  
9 cited as the "Mississippi Private Investigators Licensing and  
10 Regulatory Act."

11 **SECTION 2. Definitions.** As used in this act, unless the  
12 context otherwise requires:

13 (a) "Branch manager" means the individual who is  
14 immediately responsible for the operation of a branch office;

15 (b) "Branch office" means any office of an  
16 investigations company within this state other than its principal  
17 place of business within this state;

18 (c) "Commission" means the Mississippi Private  
19 Investigation Commission;

20 (d) "Commissioner" means the Commissioner of Insurance  
21 of the State of Mississippi;

22 (e) "Identification card" means a pocket card issued by  
23 the commissioner evidencing that the holder has met the  
24 qualifications required by this act to perform the duties of a  
25 private investigator in this state;

26 (f) "Investigations company" means any person who  
27 engages in the business or accepts employment to obtain or furnish  
28 information with reference to:

29 (i) Crime or wrongs done or threatened against the  
30 United States or any state or territory of the United States;

31 (ii) The identity, habits, conduct, business,  
32 occupation, honesty, integrity, credibility, knowledge,  
33 trustworthiness, efficiency, loyalty, activity, movement,  
34 whereabouts, affiliations, associations, transactions, acts,  
35 reputations or character of any person;

36 (iii) The location, disposition or recovery of  
37 lost or stolen property;

38 (iv) The cause or responsibility for fires,  
39 libels, losses, accidents, damages or injuries to persons or to  
40 property; or

41 (v) The securing of evidence to be used before any  
42 court, board, commission, officer or investigating committee;

43 (g) "Licensee" means any investigations company and  
44 private investigator licensed in accordance with the provisions of  
45 this act;

46 (h) "Person" means any individual, firm, association,  
47 company, partnership, corporation, non-profit organization,  
48 institution or similar entity;

49 (i) "Principal corporate officer" means the chief  
50 executive officer, president, vice president, treasurer,  
51 secretary, or comptroller of the treasury, as well as any other  
52 responsible officer or executive employee who performs functions  
53 for the corporation corresponding to those performed by the  
54 foregoing officers;

55 (j) "Private investigator" means any person who  
56 performs one or more services as described in paragraph (f); and

57 (k) "Qualifying agent" means a principal corporate  
58 officer meeting the qualifications set forth in this act for  
59 operating an investigations company.

60 **SECTION 3.** (1) There is hereby established a Private  
61 Investigation Commission consisting of three (3) members who shall

62 be citizens of the United States and residents of the state for at  
63 least two (2) years prior to appointment, and at the time of  
64 appointment are active investigators. No two (2) commission  
65 members may be employed by the same person or agency. The members  
66 shall be appointed by the Governor of the State of Mississippi  
67 with the advice and consent of the Senate for a term of six (6)  
68 years. The terms of office of members appointed to the initial  
69 board are one (1) for two (2) years; one (1) for four (4) years;  
70 and one (1) for six (6) years. Any vacancy in an unexpired term  
71 shall be filled by appointment of the Governor with the advice and  
72 consent of the Senate for the unexpired term.

73 (2) The board shall elect a chairman, vice chairman and  
74 secretary from among its members.

75 (3) The vote of a majority of the board members is  
76 sufficient for passage of any business or proposal which comes  
77 before the board.

78 (4) The members of the board shall receive Twenty-two  
79 Dollars and Fifty Cents (\$22.50) per diem for each day spent in  
80 the actual discharge of their duties.

81 **SECTION 4. License required.** (1) Except as otherwise  
82 provided in this act, it is unlawful for any person to act as an  
83 investigations company or private investigator, without first  
84 having obtained a license from the commission.

85 (2) Every private investigator licensed in accordance with  
86 this act shall maintain a place of business at an investigations  
87 company which has been duly licensed by the commission.

88 (3) In the event an applicant for an investigations company  
89 license maintains more than one (1) place of business within the  
90 state, the applicant shall apply for and obtain a branch office  
91 license for each branch office, in addition to the company license  
92 for the principal place of business.

93 (4) (a) A private investigator may retire the license  
94 issued in accordance with this act by making such request in

95 writing and paying the appropriate fees set by the commission.  
96 The written request must be accompanied by the license certificate  
97 and pocket card. The retiree shall be responsible for notifying  
98 the commission of any change in address. Only licenses that are  
99 current and in good standing with the commission may be retired.  
100 No retired licensee may engage in any act defined in Section 2 of  
101 this act.

102 (b) A retired license shall not be reactivated unless  
103 the licensee shows proof of completion of continuing education  
104 requirements as provided in Section 23 of this act sufficient to  
105 meet a licensee's current requirements. Upon receipt of proof of  
106 such requirements and payment of appropriate fees set by the  
107 commission, a retired license shall automatically be changed from  
108 retired to active.

109 **SECTION 5. Investigations company license; application.** (1)  
110 An application for an investigations company license shall be  
111 filed with the commission on the prescribed form. The application  
112 shall include:

113 (a) The full name and business address of the  
114 applicant; or

115 (i) If the applicant is a partnership, the name  
116 and address of each partner; or

117 (ii) If the applicant is a corporation, the name  
118 and address of the qualifying agent;

119 (b) The name under which the applicant intends to do  
120 business;

121 (c) The address of the principal place of business and  
122 all branch offices of the applicant within this state;

123 (d) Individual applicant; or, if the applicant is a  
124 partnership, as to each partner; or, if the applicant is a  
125 corporation, as to the qualifying agent, the following  
126 information:

127 (i) Full name;

128                   (ii) Date and place of birth;

129                   (iii) All residences during the immediate past  
130 five (5) years;

131                   (iv) All employment or occupations engaged in  
132 during the immediate past five (5) years;

133                   (v) Three (3) sets of classifiable fingerprints;

134                   (vi) Three (3) credit references from lending  
135 institutions or business firms with whom the subject has  
136 established a credit record; and

137                   (vii) A list of all convictions and pending  
138 charges of the commission of a felony or misdemeanor in any  
139 jurisdiction;

140           (e) If the applicant is a corporation, the following  
141 information:

142                   (i) The correct legal name of the corporation;

143                   (ii) The state and date of incorporation;

144                   (iii) The date the corporation qualified to do  
145 business in this state;

146                   (iv) The address of the corporate headquarters, if  
147 located outside of this state; and

148                   (v) The names of two (2) principal corporate  
149 officers other than the qualifying agent, and the business  
150 address, residence address and the office held by each in the  
151 corporation; and

152           (f) Such other information as the commission may  
153 reasonably require.

154           (2) The application shall be subscribed and sworn to:

155                   (a) By the applicant, if the applicant is an  
156 individual;

157                   (b) By each partner, if the applicant is a partnership;  
158 or

159                   (c) By the qualifying agent, if the applicant is a  
160 corporation.

161 (3) Any individual signing the application must be at least  
162 twenty-one (21) years of age.

163 **SECTION 6. Investigations company license; applicants;**  
164 **requirements.** Each individual applicant; or, if the applicant is  
165 a partnership, each partner; or, if the applicant is a  
166 corporation, the qualifying agent, must:

167 (a) Be at least twenty-one (21) years of age;

168 (b) Be a citizen of the United States or a resident  
169 alien;

170 (c) Not have been declared by any court of competent  
171 jurisdiction incompetent by reason of mental defect or disease  
172 unless a court of competent jurisdiction has since declared the  
173 applicant competent;

174 (d) Not be suffering from habitual drunkenness or  
175 narcotics addiction or dependence;

176 (e) Be of good moral character; and

177 (f) Pass an examination to be administered at least  
178 twice annually by the commission designed to measure knowledge and  
179 competence in the investigations field.

180 **SECTION 7. Private investigator license; applicants;**  
181 **requirements; apprentice status.** (1) Each applicant for a  
182 private investigator license must:

183 (a) Be at least twenty-one (21) years of age;

184 (b) Be a citizen of the United States or a resident  
185 alien;

186 (c) Not have been declared by any court of competent  
187 jurisdiction incompetent by reason of mental defect or disease  
188 unless a court of competent jurisdiction has since declared the  
189 applicant competent;

190 (d) Not be suffering from habitual drunkenness or  
191 narcotics addiction or dependence;

192 (e) Be of good moral character; and

193 (f) Pass an examination to be administered at least  
194 twice annually by the commission, designed to measure knowledge  
195 and competence in the investigations field.

196 (2) The commission shall grant apprentice status, by  
197 correspondence, to an applicant for an individual investigator's  
198 license; provided, that the applicant is employed by an  
199 investigative company. The apprentice is enjoined from working  
200 without the direct supervision of a licensed investigator until  
201 such time as the apprentice's license application is fully  
202 processed.

203 (3) An apprenticeship may not commence until the sponsoring  
204 company has submitted a notice of intent to sponsor. Such notice  
205 shall be by written endorsement to the application of the  
206 apprentice.

207 (4) An apprentice status shall be limited to six (6) months  
208 and a person shall be able to apply for an apprentice status only  
209 once.

210 (5) Apprenticeship is intended to serve as a learning  
211 process. Sponsors shall assume a training status by providing  
212 direction and control of the apprentice. No sponsor may sponsor  
213 more than six (6) apprentices at one time. The sponsor shall  
214 certify completion of training or the termination of the  
215 apprentice within fifteen (15) days of such action. The report  
216 shall be in such form as may be required by the commission, but  
217 shall include as a minimum the following:

218 (a) The inclusive dates of the apprenticeship;

219 (b) A narrative explaining the primary duties, types of  
220 experiences gained and the scope of the training received; and

221 (c) An evaluation of the performance of the apprentice  
222 and a recommendation regarding future licensing.

223 **SECTION 8. Commission; investigation of applications;**  
224 **issuance of license; notification of denial; identification card.**

225 (1) Upon receipt of an application for a license, accompanied by

226 a nonrefundable, nonproratable application fee as set by the  
227 commission according to the following schedule:

228	Private investigator license	\$_____
229	Company license	
230	Number of private investigators	
231	Employed by company	
232	Sole practitioner private investigator	\$_____
233	Two to five (2-5) employees	\$_____
234	Over five (5) employees	\$_____

235 the commission shall:

236 (a) Conduct an investigation to determine whether the  
237 statements made in the application are true;

238 (b) Request that the Department of Public Safety  
239 compare the fingerprints submitted with the application to  
240 fingerprints filed with the Department of Public Safety. On  
241 subsequent applications, the Department of Public Safety shall, at  
242 the request of the commission, review its criminal history files,  
243 based upon the name, date of birth, sex and race, and social  
244 security number of an applicant whose fingerprints have previously  
245 been submitted to the bureau, for any new information since the  
246 date of the fingerprint comparison, and shall furnish any  
247 information thereby derived to the commission; and

248 (c) Submit the fingerprints to the Federal Bureau of  
249 Investigation for a search of its files to determine whether the  
250 individual fingerprinted has any recorded convictions.

251 (2) The commission shall issue a license, in a form which  
252 the commission shall prescribe, to qualified applicants upon  
253 receipt of a nonrefundable, nonproratable fee as set by the  
254 commission in accordance with the following schedule:

255	Private investigator license	\$_____
256	Company license	
257	Number of private investigators	
258	Employed by company	



259 Sole practitioner private investigator \$ \_\_\_\_\_  
260 Two to five (2-5) employees \$ \_\_\_\_\_  
261 Over five (5) employees \$ \_\_\_\_\_

262 (3) If an application for a license is denied, the  
263 commission shall notify the applicant in writing and shall set  
264 forth the grounds for denial. If such grounds are subject to  
265 correction by the applicant, the notice of denial shall so state  
266 and specify a reasonable period of time within which the applicant  
267 must make the required correction.

268 (4) The commission shall issue with every private  
269 investigator license an identification card that shall contain at  
270 least the following information:

- 271 (a) Name;
- 272 (b) Photograph;
- 273 (c) Physical characteristics;
- 274 (d) Private investigator license number; and
- 275 (e) Expiration date of license.

276 (5) The identification card shall be issued in a  
277 wallet-sized card and shall be permanently laminated.

278 (6) The identification card shall be carried on the person  
279 of the licensee when engaged in the activities of the licensee.

280 (7) An application shall be accompanied by a notarized  
281 statement sworn to by the applicant as to the identity and number  
282 of private investigators employed by or affiliated with such  
283 investigation company. Making a false statement shall be  
284 punishable by a civil penalty not to exceed One Thousand Dollars  
285 (\$1,000.00) and assessment of the maximum application fee.

286 **SECTION 9. Posting of license.** Every license issued under  
287 this act shall be posted conspicuously in the licensee's principal  
288 place of business.

289 **SECTION 10. License not transferable or assignable.** No  
290 license issued under this act shall be transferable or assignable.

291           **SECTION 11. Renewal; validity.** (1) A license, or renewal  
292 thereof, issued under this part, shall be valid for a period of  
293 two (2) years from the date of issuance. The commission shall  
294 provide each licensee with a renewal application form sixty (60)  
295 days prior to the expiration of the license.

296           (2) The fee for the timely renewal of a license shall be as  
297 set by the commission in accordance with the following schedule:

298           Private investigator license	\$_____
299           Company license	
300           Number of private investigators	
301           Employed by company	
302           Sole practitioner private investigator	\$_____
303           Two to five (2-5) employees	\$_____
304           Over five (5) employees	\$_____

305           A penalty as prescribed by the commission will be assessed on  
306 any renewal application postmarked after the expiration date of  
307 the license.

308           (3) No renewal application will be accepted more than thirty  
309 (30) days after the expiration date of the license.

310           (4) A renewal application shall be accompanied by a  
311 notarized statement sworn to by the applicant as to the identity  
312 and number of private investigators employed by or affiliated with  
313 such investigations company. Making a false statement shall be  
314 punishable by a civil penalty not to exceed One Thousand Dollars  
315 (\$1,000.00) and assessment of the maximum renewal fee.

316           **SECTION 12. Termination of duties; notice; substitute agent.**

317 (1) If the qualifying agent of a licensee ceases to perform that  
318 agent's duties on a regular basis, the licensee shall:

319           (a) Within thirty (30) days, notify the commission by  
320 certified or registered mail; and

321           (b) Within three (3) months, obtain a substitute  
322 qualifying agent.

323 (2) The commission may, in its discretion, extend the period  
324 for obtaining a substitute qualifying agent for a reasonable time.

325 **SECTION 13. Notice to the commission; when required.** A  
326 licensee shall notify the commission in writing within thirty (30)  
327 days of:

328 (a) Any change in the qualifying agent or principal  
329 corporate officers identified in its application for license;

330 (b) Any material change in the information previously  
331 furnished or required to be furnished to the commission;

332 (c) Any occurrence which could reasonably be expected  
333 to affect the licensee's right to a license under this act,  
334 including, but not limited to, any criminal charges placed against  
335 any licensee by any person. An investigative company must also,  
336 within thirty (30) days, notify the commission of any criminal  
337 charges placed against any investigator employed by or affiliated  
338 with such company; or

339 (d) Any judgment received by any person for punitive  
340 damages against any licensee.

341 **SECTION 14. Investigations company; change in ownership.**

342 (1) If the ownership of an investigations company changes, the  
343 new owner, if not already a licensee, may not operate that company  
344 more than thirty (30) days after the date of such change of  
345 ownership unless, within such thirty-day period, the new owner  
346 submits an application for a license. If such application is  
347 submitted, the new owner may continue to operate such company  
348 until the application has been finally determined by the  
349 commission.

350 (2) For good cause, the commission may extend the period for  
351 submitting an application pursuant to subsection (1) for a  
352 reasonable time.

353 **SECTION 15. Revocation of license.** (1) The commission may  
354 suspend, revoke or refuse to issue or renew any license hereunder  
355 upon finding that the holder or applicant has:

356 (a) Violated any provision of this act, or any rule  
357 promulgated hereunder;

358 (b) Practiced fraud, deceit or misrepresentation;

359 (c) Knowingly and willfully made a material  
360 misstatement in connection with an application for a license or  
361 renewal;

362 (d) Been convicted by a court of competent jurisdiction  
363 of a felony or a misdemeanor, if the commission finds that such  
364 conviction reflects unfavorably on the fitness for such license;  
365 or

366 (e) Committed any act which would have been cause for  
367 refusal to issue such license or registration card had it existed  
368 and been known to the commission at the time of issuance.

369 (2) In addition to or in lieu of any other lawful  
370 disciplinary action under this section, the commission may assess  
371 a civil penalty not exceeding Two Thousand Dollars (\$2,000.00).

372 (3) A license shall be subject to expiration and renewal  
373 during any period in which the license is suspended.

374 **SECTION 16. Municipality or county; licensing requirement**

375 **prohibited; business tax permitted.** (1) No licensee or  
376 registrant shall be required to obtain any authorization, permit  
377 or license from, or pay any other fee or post a bond in, any  
378 municipality, county or other political subdivision of this state  
379 to engage in any business or activity regulated under this act.

380 (2) Notwithstanding subsection (1), a municipality, county  
381 or other political subdivision of this state may impose a bona  
382 fide business tax.

383 **SECTION 17. Reciprocal agreements.** The commission may  
384 negotiate and enter into reciprocal agreements with appropriate  
385 officials in other states to permit licensed investigations  
386 companies and private investigators who meet or exceed the  
387 qualifications established in this act to operate across state  
388 lines under mutually acceptable terms.

389           **SECTION 18. Act; distribution of copies.** The commission  
390 shall provide a copy of this act and any rules promulgated  
391 hereunder as may be amended, to:

- 392           (a) Each licensee every two (2) years at no charge; and  
393           (b) Any other person, upon request, for such reasonable  
394 fee as the commission may fix.

395           **SECTION 19. Violations.** No individual licensed as an  
396 investigations company or a private investigator in Mississippi  
397 shall:

- 398           (a) In order to obtain employment, knowingly make a  
399 material misrepresentation as to such person's ability to perform  
400 the investigation required by a potential client;  
401           (b) Make unsubstantial monetary charges to a client for  
402 services not rendered or transportation not utilized;  
403           (c) Knowingly make a false report to a client in  
404 relation to the investigation performed for such client;  
405           (d) Continue an investigation for a client when it  
406 becomes obvious to the investigator that a successful completion  
407 of an investigation is unlikely without first so advising the  
408 client and obtaining the client's approval for continuation of the  
409 investigation; or  
410           (e) Reveal information obtained for a client during an  
411 investigation to another individual, except as required by law.

412           **SECTION 20. Hearing and review of contested cases; governing**  
413 **provisions.** The provisions of the Administrative Procedures Act  
414 govern all matters and procedures respecting the hearing and  
415 judicial review of any contested case, as defined therein, arising  
416 under this act.

417           **SECTION 21. Exceptions to applicability of act.** (1) The  
418 provisions of this act do not apply to a public accountant and a  
419 certified public accountant, or the agent of either, performing  
420 duties relating to public accountancy.

421           (2) The provisions of this act do not apply to:

422 (a) A governmental officer or employee performing  
423 official duties;

424 (b) A person engaged exclusively in the business of  
425 obtaining and furnishing information regarding the financial  
426 rating or standing and credit of persons;

427 (c) (i) 1. An attorney-at-law;

428 2. An employee of a single attorney or single  
429 law firm, who is acting within the employee's scope of employment  
430 for the attorney or law firm; or

431 3. A consultant when such person is retained  
432 by an attorney or appointed by a court to make tests, conduct  
433 experiments, draw conclusions, render opinions, or make diagnoses,  
434 where such services require the use of training or experience in a  
435 technical, scientific or social science field.

436 (ii) These exceptions do not apply to any other  
437 person or company who otherwise provides or offers to provide  
438 investigative services as described in Section 2 of this act;

439 (d) An insurance company, licensed insurance agent, or  
440 staff or independent adjuster performing investigative duties in  
441 connection with insurance business transacted;

442 (e) A private business employee conducting  
443 investigations relating to the internal affairs of such business;

444 (f) Any individual conducting investigative activities  
445 in connection with the repossession of a vehicle;

446 (g) An individual conducting undercover investigations  
447 meeting the criteria set forth in Section 26 of this act; or

448 (h) Any person duly licensed by the State of  
449 Mississippi in another profession while such person is engaged in  
450 activities within the scope of that profession.

451 (3) An insurance adjuster claiming an exception to this act  
452 under subsection (2)(d) must be an employee of an insurance  
453 company duly licensed to do business in this state, a licensed  
454 insurance agent in this state or a staff employee of such an agent

455 (or an independent adjuster performing investigative activity  
456 limited to matters directly pertaining to an insurance  
457 transaction). The employee of the insurance company, the  
458 insurance agent or employee thereof, or the independent adjuster  
459 or employee thereof, must be acting within the scope of that  
460 person's employment with respect to the investigative activity.

461 **SECTION 22. Investigative arm of commission; access to**  
462 **records; subpoenas.** (1) The division of investigation is  
463 designated the official investigative arm of the commission.

464 (2) Licensees are required to provide the investigative  
465 staff all records kept within the normal course of business, as  
466 they directly pertain to the exact nature of the complaint under  
467 investigation.

468 (3) The commissioner is granted authority to subpoena to  
469 deposition those persons or documents necessary to any  
470 investigation undertaken under this act; provided, that all other  
471 means including, but not limited to, notification by return  
472 receipt registered United States Mail, have been exhausted and  
473 have not produced the desired results.

474 **SECTION 23. Continuing professional education.** (1) Each  
475 individual licensee is required to complete six (6) hours of  
476 continuing professional education acceptable to the commission in  
477 each calendar year.

478 (2) The commission is encouraged to require that at least  
479 one (1) hour per year of continuing professional education be  
480 devoted to ethics.

481 (3) The commission shall promulgate such rules as are  
482 necessary to carry out this section.

483 **SECTION 24. Training.** (1) Any person or company offering  
484 private investigator training for a fee must first be certified by  
485 the commission. The commission shall ensure that the instructors  
486 employed by the training company possess both the experience and  
487 academic credentials to ensure that the curriculum and instruction

488 of the training company will be beneficial to those seeking to  
489 enter the profession. In order to qualify as a certified  
490 trainer/instructor, the trainer:

491 (a) Must be at least twenty-one (21) years of age;

492 (b) Has at least three (3) years of supervisory  
493 experience satisfactory to the commission with an investigative  
494 company or proprietary entity, or with any federal, United States  
495 military, state, county or municipal law enforcement agency; and

496 (c) Is personally qualified to conduct the training  
497 required by this section.

498 (2) A certified trainer may, in the trainer's discretion,  
499 instruct personally or use a combination of personal instruction,  
500 audio and visual training aids.

501 (3) To assist in the implementation of the training program,  
502 the certified trainer may use as an assistant trainer any person  
503 who:

504 (a) Is at least twenty-one (21) years of age; and

505 (b) Has at least one (1) year of experience with an  
506 investigative company or any United States military, state, county  
507 or municipal law enforcement agency.

508 (4) A certified trainer may be an employee of a private  
509 investigative or proprietary agency. If the applicant is not so  
510 employed, the applicant must be licensed as a company under the  
511 provisions of this act.

512 (5) The certified trainer shall certify to the successful  
513 completion of the training and shall submit such certification to  
514 the commission.

515 (6) The training program, fees and requirements shall be  
516 established by rules promulgated by the commission.

517 **SECTION 25. Penalties.** Any person violating the provisions  
518 of this act, or any rule promulgated hereunder, shall be guilty of  
519 a misdemeanor punishable by a fine not to exceed Two Thousand Five



520 Hundred Dollars (\$2,500.00) and imprisonment not to exceed eleven  
521 (11) months, or both fine and imprisonment.

522 **SECTION 26.** **Exemption from licensing requirement.** (1) An  
523 individual exempted by Section 21(2)(g) of this act from the  
524 licensing requirements for private investigators must be:

525 (a) Employed by and under the control of a licensed  
526 private investigation company;

527 (b) Employed by a private business entity, the internal  
528 affairs of which are the subject of investigation by the  
529 individual; and

530 (c) Engaged only in investigating the internal affairs  
531 of the private business entity by which they are employed.

532 (2) A private investigation company employing an individual  
533 exempted by Section 21(2)(g) of this act shall be held responsible  
534 for the actions of that individual in such individual's capacity  
535 as an undercover investigator as if that individual was a licensed  
536 private investigator.

537 **SECTION 27.** This act shall take effect and be in force from  
538 and after July 1, 2006.